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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twentieth and twenty-first periodic reports of Denmark

Addendum

Information received from Denmark on follow-up to the concluding observations*

[Date received: 13 May 2016]

* The present document is being issued without formal editing.

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Information from the Government of Denmark regarding paragraph 10 and 15 in the Committee on the Elimination of Racial Discrimination's concluding observations on Denmark's twentieth and twenty-first periodic reports

Recommendations from the Committee regarding paragraph 10

1. On the eve of the incoming general election to be held in September 2015 at the latest, the Committee notes with concern the increase of xenophobia and political propaganda targeting non-citizens. It is also concerned about racist publications in the media, including online, and by the increase of Islamophobia, by the terror attack against the Jewish community in Copenhagen in February 2015 and by the stigmatization of the Roma community. Furthermore, the Committee expresses its deep concern regarding the exhibition in the Danish Parliament premises of racist pictures appearing to incite violence from a Swedish artist several times convicted in Sweden for racist offences, relying on the argument that the State party protects and promotes the right to freedom of expression (arts. 4 and 5).

The Committee recommends that the State party:

(a) Redouble its efforts to combat racial prejudice and violence, xenophobia as well as to intolerance in the country. It urges the State party to remind politicians about their responsibilities to ensure that they contribute to building tolerance and intercultural understanding among different groups;

(b) Develop a national action plan on racism as called for in Durban including a particular focus on combating hate crimes and provide detailed information on the initiative mapping such crimes in Denmark and on the new monitoring system in the Danish National Police, outlining concrete results achieved.

In view of its General Recommendation No. 35 (2013) on combating racist hate speech, the Committee recalls that the right to freedom of expression is not unlimited but may be subject to certain restrictions, such as with respect to racist hate speech in whatever forms which rejects human dignity and equality and seeks to degrade the standing of individuals and groups. While respecting the right to freedom of expression, the State party should take effective measures to combat racist hate speech, including racist messages on the Internet.

Information from the Government regarding paragraph 10

2. Denmark has taken and will continuously take a number of measures to prevent discrimination, intolerance and racism, and to preserve freedom of belief and to promote intercultural dialogue. Inter alia, 20 million DKK was allocated in 2012-2015 for initiatives relating to further ethnic equal treatment and the active participation of all in society. This includes support for municipalities, companies and NGOs dealing with anti-discrimination measures. Minority groups and non-citizens who are legally residing in Denmark enjoy equal access to, inter alia, employment, education, housing, health services, and to justice. Denmark has a vibrant political debate-culture. In this free debate a large number of highly placed state officials and politicians have taken clear stances against racist and xenophobic political discourse.

3. In the spring of 2015 the overall responsibility for the prevention of and fight against hate crimes, including annual reports regarding the number of hate crimes in Denmark, was transferred to the Danish National Police from the Danish Security and Intelligence Service.

4. For this purpose, the National Police has initiated a national monitoring of hate crimes to secure a valid and continuous overview of the area. The monitoring will provide

knowledge about the actual extent of hate crimes and developments in the area, and will enable a correct processing of cases. The National Police is already closely monitoring crime developments in a number of areas and has – in the light of recent developments in the area of hate crimes, – decided to intensify its efforts regarding hate crimes.

5. The monitoring programme is carried out through the use of search keys implemented in the existing IT systems used by the Danish Police. These search keys are divided into different categories in accordance with national criminal law. When a criminal offense believed to be a hate crime is subject to police investigation, the local police will report the case to the Danish National Police through the monitoring system.

6. On the basis of the reported cases the Danish National Police will draw up an annual report mapping the nature of the hate crimes committed in the given year. The report serves as a national overview providing the basis for further considerations regarding efforts to prevent hate crimes.

7. Furthermore, the National Police has initiated a dialogue with a number of significant stakeholders when it comes to hate crimes. The dialogue serves to establish a closer and ongoing cooperation between stakeholders and reflect on the police's future efforts in this area. Furthermore, the dialogue serves to establish ways to cooperate in order to get more victims to report hate crimes to the police and to identify any difficulties or barriers with regard to the reporting process.

8. In addition, the National Police is currently mapping the 12 police districts' initiatives and projects relating to the fight against hate crimes with the aim of collecting data for possible best practices.

9. The National Police focuses on strengthening the police's efforts in the fight against hate crimes, which includes awareness raising in the police in order to improve the identification of possible hate crimes when taking a statement. For this purpose the Director of Public Prosecutions has issued guidelines stipulating that the police must be aware of a number of indicators, which can point towards a "hate motive" in a particular case.

10. Additionally, the Police College has an obligatory course regarding hate crimes and the handling of these cases.

11. Pursuant to section 266 b in the Criminal Code any person who publicly, or with intent of dissemination to a wide group, issues a statement or other communication threatening, humiliating or degrading persons of a particular group because of their race, colour, national or ethnic origin, religious faith or sexuality is sentenced to a fine or imprisonment for a term not exceeding two years. Thus, Denmark has a provision in its Criminal Code concerning hate speech.

12. From the preparatory works of the revision of section 266 b in 1971 in order to comply with the International Convention on the Elimination of All Forms of Racial Discrimination, it follows that the revision of section 266 b was made with careful consideration towards the balance between combating racist hate speech and the right to freedom of expression. Denmark has a continuous focus on ensuring that this section continues to contain the appropriate balance between these considerations.

13. Furthermore, all cases of violation of section 266 b of the Criminal Code in which a charge has been preferred must be submitted to the Director of Public Prosecutions through the Regional Public Prosecutor together with a recommendation on the question of prosecution. Thus, it is the Director of Public Prosecutions that determines whether or not to prosecute.

14. The purpose of the reporting scheme is to ensure a uniform charging practice nationally and supervise the processing of cases.

15. Section 266 b also applies to cases of racist hate speech on the Internet.

16. Violations of the aforementioned legislative provision are included in the hate crime monitoring.

17. Furthermore, the National Police has published a guide regarding how to handle hate speech, threats or racism on the internet, including so-called "hate sites". In the guide there is a description of what you can do as a citizen and the police's options in these matters.

18. Thus, the Government finds that Denmark has already taken effective measures to combat racist hate speech, including racist messages on the Internet.

19. Regarding the Committee's reference to development of a national action plan on racism as recommended in Durban the Government may inform that Denmark remains fully committed to the principal objective of the 2001 Durban Conference which is the complete elimination of racism, racial discrimination, xenophobia and related intolerance. The primary follow-up to the Durban Programme of Action consist of the Action Plan to Promote Equal Treatment and Diversity and Combat Racism (2003) and the Action plan to Promote Ethnic Equal Treatment (2010).

Recommendations from the Committee regarding paragraph 15

20. While welcoming the new action plan for integration aiming at improving inclusion of immigrants in the labour market, through a more job-oriented 'integration programme' for newly arrived refugees and family unified persons and job-oriented offers for unemployed third country nationals, the Committee remains concerned about the high level of unemployment and economic disadvantage of non-citizens and persons belonging to minority groups (arts. 2 and 5).

The Committee recommends that the State party:

Expand and strengthen its initiatives so as to improve the integration of non-citizens and persons *belonging to minorities, including Roma in the labour market and to address the structural discrimination they may face in this area. The Committee draws the State party's attention to General Recommendations No. 30 (2005) on discrimination against non-citizens and No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination which provide guidance in this regard.*

Information from the Government regarding paragraph 15

21. In March 2016 the Government signed agreements with the social partners (employer organizations and trade unions) and municipalities in Denmark regarding several amendments to improve the framework for immigrant integration, with a particular focus on improving labour market participation. The two agreements contain more than 80 initiatives which are to be implemented in 2016.

22. The initiatives range widely and aim to ensure that the integration efforts for refugees and family reunified persons will be more flexible and efficient and entail a clear focus on employment.

23. Key initiatives include:

- Employment opportunities will be a key consideration when individuals are allocated to a municipality. Distribution of refugees throughout municipalities is based on an allocation scheme ensuring that refugees are settled all over Denmark. The future distribution of refugees should, inter alia, focus on better matching of individual competences and local demands for labour.

- Better screening and more efficient sharing of information on skills (such as language, education, work experience, etc.) when refugees are transferred from asylum centers to municipalities (in order to make sure efforts are prepared and initiated as timely as possible).
- Refugees and family reunified persons in the integration program are automatically regarded as "job-ready" meaning they should be enrolled in job training unless considered ineligible (due to, inter alia, health issues).
- The integration programme is intensified and is now a one year programme with a clear focus on labour market participation. It can, however, be extended with up to 4 additional years if employment is not achieved. Persons enrolled in the integration programme are entitled, inter alia, to a fast and intensive work-related programme which municipalities should offer if possible within 2 weeks upon arrival and no later than within 1 month.
- An Integration basic education scheme (IGU) is introduced to ensure better opportunities to obtain work through enhanced qualifications for refugees and family reunified persons, whose skills and productivity are not yet fully matching the requirements of the Danish labour market. IGU consists of employment in a paid internship position in a company combined with classroom education on education allowance. IGU has a duration of two years. The target group is persons between 18-40 years of age who have resided in Denmark for less than 5 years. IGU will be established as a temporary initiative for the next three years. Data will continuously be collected and evaluated by the Danish Agency for International Recruitment and Integration.
- Financial incentives for municipalities and businesses that support labour market integration of refugees and family reunified persons: A bonus of 25,000 DKK is granted to municipalities for each additional refugee or family reunified person who achieves regular employment in 2016 and 2017. The bonus for companies that recruit refugees or family reunified persons during the first year after being granted a residence permit is a total of 40,000 DKK, while the bonus is 30,000 DKK for companies that recruit refugees or family reunified persons at a later stage, but no later than 2 years after they are granted a residence permit.
- Danish language training must be organized in a flexible manner and with due respect for successful labor market integration (inter alia it can take place outside working hours, the content is to be more labor market-oriented and language training can take place directly at the workplace).
- More funding (1 billion DKK for two years) for the municipal integration efforts, primarily in order to handle the challenges of providing adequate housing.

24. In order to implement these initiatives legislation concerning amendments to the Act on integration was introduced to Parliament on 4 May 2016.

25. The Government finds that these measures are in accordance with General Recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination.